

REMARKS/ARGUMENTS

The Non-Final Office Action mailed October 13, 2010, has been carefully reviewed and these remarks are responsive to that Office Action. Claims 1-4, 7-11, and 21-32 remain pending in this Application. The Examiner is invited to contact the undersigned should it be deemed helpful to facilitate prosecution of the application.

Rejections Under 35 U.S.C. § 102

Claims 1, 7, 25, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohishi et al. (US Patent No. 5,909,257), hereinafter referred to as Ohishi.

Independent claim 1 recites, among other things:

the switch configured to simultaneously separate the AV signals associated with the AV only transport from the AV and data packets associated with the integrated transport;

a data processor in communication with the switch and configured to separate the AV packets from the data packets included within the integrated transport;

a demultiplexer in communication with the switch and the data processor configured to process AV payloads both from the separate AV packets of the integrated transport and from the AV signals of the AV only transport, wherein the AV signals of the AV only transport are received directly from the switch and wherein the AV packets associated with the integrated transport are received through a signaling pathway in which the switch outputs the integrated transport associated with the AV packets directly to the data processor and the data processor outputs the AV packets directly to the demultiplexer

Ohishi does not anticipate at least these features of claim 1. On pages 2-3, the Office Action alleges that Ohishi describes these features of claim 1 and cites Figure 2 and col. 6-8 of Ohishi. Ohishi describes a digital TV broadcasting scheme in which a digital TV broadcast signal is demodulated to allow a user to select a program for viewing. (See Ohishi, Abstract.) In the system of Ohishi, a broadcast signal is tuned, demodulated, and fed to a program data analyzer 40 and demultiplexer 50 via contacts a1 and a2 of switch 14. (See Ohishi, col. 5, ll. 5-45 and col. 6, ll. 23-32.) The program data analyzer 40 functions to obtain "TV program titles according to the PSI data of a plurality of TV programs in the error corrected bit streams." (See Ohishi, col. 6, ll. 33-35.)

Alternatively, the switch 14 may be turned into its contacts b1 and b2 to feed recorded digital data streams into analyzer 40 from a recording/reproducing apparatus 16 via digital interfaces 15 and 12. (See Ohishi, col. 8, ll. 4-8.) The program data analyzer 40 then takes program specific information (PSI) from the program association table (PAT) packets and executes program map table (PMT) recognition processing. (See Ohishi, col. 8, ll. 9-13.) Ohishi goes on to mention that when contacts a1 and a2 of switch 14 are used, “the program data modifier 13 is short-circuited and hence the output of the program data analyzer 40 is directly fed to the system controller 30.” (See Ohishi, col. 7, ll. 44-47.) Thus, in the system of Ohishi, switch 14, whether activated with contacts a1-a2 or b1-b2, *always* outputs a signal to program data analyzer 40.

On page 3, the Office Action tries to equate switch 14 of Ohishi to the switch of claim 1, program data analyzer 40 of Ohishi to the data processor of claim 1, and demultiplexer 50 of Ohishi to the demultiplexer of claim 1. Switch 14 of Ohishi is not equivalent to the switch of claim 1 because switch 14 of Ohishi is not “configured to simultaneously separate the AV signals associated with the AV only transport from the AV and data packets associated with the integrated transport,” as claimed. Rather, switch 14 is configured to allow apparatus 200 to switch between broadcasted content and recorded content. (See Ohishi, col. 5, ll. 5-45, col. 6, ll. 23-32, and col. 8, ll. 4-8.) Moreover, switch 110 in Figure 2 of Ohishi is also not “configured to simultaneously separate the AV signals associated with the AV only transport from the AV and data packets associated with the integrated transport,” as claimed. Rather, switch 110 functions to switch from passing signals from demultiplexer 50 to either decoder 60 or digital interface 12.

Even assuming, but not admitting, that analyzer 40 is a data processor, analyzer 40 does not allow a method in which “AV signals of the AV only transport are received directly from the switch” by the demultiplexer, as claimed. Rather in the system of Ohishi, as described above, analyzer 40 processes all content to obtain TV program titles. Finally, demultiplexer 50 of Ohishi is not equivalent to the demultiplexer of claim 1 because demultiplexer 50 of Ohishi does participate in a scheme wherein “the AV signals of the AV only transport are received directly from the switch and wherein the AV packets associated with the integrated transport are received through a signaling pathway in which the switch outputs the integrated transport associated with

the AV packets directly to the data processor and the data processor outputs the AV packets directly to the demultiplexer,” as claimed. Rather, demultiplexer 50 of Ohishi receives content through a signaling pathway that does not discriminate at all between an AV only transport and an integrated transport.

Therefore, Ohishi does not anticipate claim 1 and claim 1 is in condition for allowance. Dependent claim 7 depends on independent claim 1 and is in condition for allowance at least due to its dependence on an allowable claim as well as the features it recites. Independent claim 25 has similar features to those discussed above for claim 1. Therefore, claim 25 is allowable for similar reasons to those given above for claim 1. Dependent claim 29 depends on independent claim 25 and is in condition for allowance at least due to its dependence on an allowable claim as well as the features it recites.

Rejections under 35 U.S.C. § 103

Claims 8-10 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohishi as applied to claims 7 and 29 above, and further in view of Official Notice. The Official Notice does not cure the deficiencies of Ohishi discussed above. Claims 8-10 depend on independent claim 1 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite. Claims 30-32 depend on independent claim 25 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

Claims 2, 3, 11, 22, 23, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohishi et al., as applied to claims 1 and 25 above, and further in view of Perlman (US Patent No. 6,813,643). Perlman does not cure the deficiencies of Ohishi discussed above. Claims 2-3, 11, and 22-23 depend on independent claim 1 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite. Independent claim 25 has similar features to those discussed above for claim 1. Therefore, claim 25 is allowable for similar reasons to those given above for claim 1. Dependent claims 26-27 depend on independent claim 25 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Futamata (US Patent No. 7,339,954), hereinafter referred to as Futamata, in view of Perlman. Futamata and Perlman do not cure the deficiencies of Ohishi discussed above. Independent claim 21 has similar features to those discussed above for claim 1. Therefore, claim 21 is allowable for similar reasons to those given above for claim 1.

Claims 4, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohishi in view of Perlman to claims 1 and 25 above, and further in view of Chelehmal et al. (Pub. No. US 2002/0046406), hereinafter referred to as Chelehmal. Perlman and Chelehmal do not cure the deficiencies of Ohishi discussed above. Dependent claims 4 and 24 depend on independent claim 1 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite. Dependent claim 28 depends on independent claim 25 and is in condition for allowance at least due to its dependence on an allowable claim as well as the features it recites.

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All rejections having been addressed, Applicant respectfully submits that this application is in condition for allowance, and respectfully requests issuance of a notice of allowance.

Respectfully submitted,
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